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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/654,253      | 09/01/2000  | Cynthia L. Recker    | SC11244ZC           | 5727             |

51894 7590 12/16/2005

LAW OFFICE OF CHARLES W. BETHARDS, LLP  
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EXAMINER

DAY, HERNG DER

ART UNIT PAPER NUMBER

2128

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/654,253 | <b>Applicant(s)</b><br>RECKER ET AL. |  |
|                              | <b>Examiner</b><br>Herng-der Day     | <b>Art Unit</b><br>2128              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This communication is in response to Applicants' Response ("Response") to Office Action dated June 28, 2005, faxed September 28, 2005.

1-1. Claims 1-20 are pending.

1-2. Claims 1-20 have been examined and rejected.

### ***Oath/Declaration***

2. The DECLARATION filed on September 28, 2005 under 37 CFR 1.131 is sufficient to overcome the reference of Zhang et al., U.S. Patent 6,560,755 B1 issued May 6, 2003.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael et al., "Statistical Modeling of Device Mismatch for Analog MOS Integrated Circuits", IEEE Journal of Solid-State Circuits, Volume 27, Issue 2, February 1992, pages 154-166, in view of Applicants' admission.

4-1. Regarding claims 1-6 and 8-20, Michael et al. disclose a mismatch modeling tool comprising:

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a software implemented transistor mismatch model (“SITMM”) (page 155, section II.A. Parameter Variance Model);

at least one editable mismatch model data library comprising process parameter variables accessed by said SITMM (page 161, section III.B. Parameter Extraction; based on a given set of processing-dependent model fitting parameters, page 165, left column, paragraph 3);

a circuit simulation library and program data output accessed by said SITMM (page 162, section III.C. Simulation); and

a graphical interface to said SITMM (Integration of this statistical model into a CAD environment, page 165, left column, paragraph 3).

Michael et al. fail to expressly disclose the format used in the input interface for different scenarios. Nevertheless, Michael et al. have disclosed integrating the model into a CAD environment.

Applicants have admitted at page 5, lines 8-10, “The mismatch tool 10 further comprises the data input and data output interfaces that may be comprised of any data interface method or system”. Also, at pages 8-9, Applicants have admitted programming changes for added new technologies, for example, make the technology available on the pull down menus, may be accomplished in a variety of methods by those skilled in the art. Furthermore, at page 7, lines 7-9, Applicants have admitted, “The five scenarios above are presented as examples of scenarios popular with those skilled in the art”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Michael et al. to incorporate the admission of Applicants to obtain the invention as specified in claims 1-6 and 8-20 because in the CAD environment using

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graphical interface to facilitate data input and output for different applications or scenarios is considered to be well known for those skilled in the relevant art.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Michael et al., "Statistical Modeling of Device Mismatch for Analog MOS Integrated Circuits", IEEE Journal of Solid-State Circuits, Volume 27, Issue 2, February 1992, pages 154-166, and Applicants' admission in view of Hussey, U.S. Patent 5,826,269 issued October 20, 1998.

5-1. Regarding claims 7, Michael et al. fail to expressly disclose the output data file is an emailed ASCII output data file.

Hussey discloses an electronic mail interface that provides an efficient networked system that processes user requests submitted to a network server, the results of which are typically viewed at a later time in order to facilitate task scheduling by the server of user requests from connected client computers in a network, and thereby reduce the incidence of system bottlenecks that may rise with a server (column 3, lines 29 through column 4, line 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Michael et al. and Applicants' admission to incorporate the teachings of Hussey to obtain the invention as specified in claim 7 because it will facilitate task scheduling and thereby reduce the incidence of system bottlenecks.

#### ***Applicants' Arguments***

6. Applicants argue the following:

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(1) "in view of the statement of facts and other evidence provided in the September 28, 2005 Rule 1.131 Declaration and Appendices I-III (filed with the April 1, 2005 Rule 1.131 Declaration), Applicant respectfully submits that Zhang et al is not a proper reference to support a rejection of claims 1-6 and 8-20 under 35 U.S.C. 103(a) since Zhang et al was filed after the invention by the Applicants" (page 11, paragraph 2, Response).

(2) "Given the effective date of Zhang et al and the September 28, 2005 Rule 1.131 Declaration as above noted, Zhang et al. is not a proper reference to support this §103(a) rejection of claim 7" (page 12, paragraph 1, Response).

#### ***Response to Arguments***

7. Applicants' arguments (1) and (2) have been fully considered and are persuasive. Therefore, the rejections of claims 1-20 under 35 U.S.C. 103(a), in Office Action dated June 28, 2005, have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as detailed in sections 4 to 5-1 above.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Reference to Burrows et al., U.S. Patent 6,397,117 B1 issued May 28, 2002, and filed May 28, 1998, is cited as disclosing a distributed computer aided design (CAD) system.

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9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day  
December 12, 2005

*H.D.*

*Thaiphon*  
*Thai Phan*  
*Patent Examiner*  
*Art. 2128*